IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 15702 of 2005(T)

PETITIONER:

KUTHIATHODU RURAL HOUSING CO-OPERATIVE SOCIETY LTD.NO.A.692, KUTHIATHODU, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE CO-OPERATIVE TRIBUNAL, TRIVANDRUM.

2. THE ARBITRATOR CUM SPECIAL SALE OFFICER, KERALA STATE CO-OPERATIVE HOUSING FEDERATION, PALARIVATTOM, KOCHI.

3. STANLEY, SON OF ANTONY, VALIYARA VEETTIL, AROOR P.O. SHERTALLAI.

BY ADV. SRI.V.P.REGHURAJ
GOVERNMENT PLEADER SRI. V.T.K MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15702/2005 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AWARD IN ARC NO. 4/01 DT. 20/08/2001.

EXT.P2. COPY OF THE ORDER NO. RP 175/2002 DT. 5/4/03.

EXT.P3. COPY OF THE RP NO. 1/2005 DT. FEB, 2005.

EXT.P4. COPY OF THE ORDER IN RP 1/2005 IN RP NO. 175/2002 DT. 7/3/2005.

EXT.P5. COPY OF THE ORDER NO. AEL. 207/05 DT. 10/2/2005.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.15702 of 2005

Dated 13th June, 2007.

J U D G M E N T

The issue raised in this writ petition pertains to the interest rate as claimed by the petitioner society. In view of the bench decision of this Court in **Kerala State Cooperative Bank Ltd. v. Kerala Cooperative Tribunal** (2005(1) KLT 572), the matter requires reconsideration by the Tribunal. I quash Exts.P2 and P4 and the matter is remitted to the first respondent Tribunal with a direction to pass fresh orders in the light of the decision referred to above.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 13th June, 2007.